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**REMARKS/DISCUSSION OF ISSUES**

**Specification.** In the Non-Final Office Action, Examiner Eng objected to the specification. The Applicant has amended the specification and cancelled claim 5 herein to obviate Examiner Eng's objections to the specification. No new matter was introduced by the amendment of the specification herein. Withdrawal of the objections to the specification is therefore respectfully requested.

**Drawings.** In the Non-Final Office Action, Examiner Eng objected to the drawings. The Applicant is concurrently submitted attached informal replacement drawing sheets 3/4 and 4/4 to obviate Examiner Eng's objection to the drawings. No new matter was introduced into the drawing amendments herein. Examiner Eng is therefore respectfully requested to approve the proposed informal replacement drawing sheets 3/4 and 4/4.

**Claims.** In the Non-Final Office Action, Examiner Eng objected to and rejected pending claims 1-11 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

**A. Examiner Eng objected to claims 4 and 11.**

The Applicant respectfully traverses this objection of claims 4 and 11, because the description of a robust mode and an uncertain mode given in claims 4 and 11 are consistent with the specification and drawings. Specifically, Examiner Eng is interpreting FIGS. 5 and 6 without an appreciation of the effect of setting MOD between ROBUST and UNCERTAIN over multiple iterations of the FIGS. 5 and 6 flowcharts. To gain this appreciation, the following TABLE 1 exemplary list eight (8) iterations through the flowchart illustrated in FIG. 5 wherein it is assumed that box K2 outputs "NO" and box K3 outputs "YES" for each iteration:

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TABLE I

ITER.	K12	K14	K16	K18	K20
1	Yes	MOD=ROB PDU	N/A	N/A	N/A
2	No	N/A	YES	MOD=UNCERT PDU	N/A
3	No	N/A	NO	N/A	IGN (FLG)
4	Yes	MOD=ROB PDU	N/A	N/A	N/A
5	No	N/A	YES	MOD=UNCERT PDU	N/A
6	Yes	MOD=ROB PDU	N/A	N/A	N/A
7	No	N/A	YES	MOD=UNCERT PDU	N/A
8	No	N/A	NO	N/A	IGN (FLG)

Clearly, (1) the no-error iterations 1, 4 and 6 validate the data PDU under the ROBUST mode, (2) the error iterations 2, 5 and 7 succeeding non-error iterations 1, 4 and 6, respectively, validate the data PDU under the ROBUST mode despite the presence of an error, and (3) the error iterations 3 and 8 succeeding error-iterations 2 and 7, respectively, do not validate the data PDU under the UNCERTAIN mode. Thus, the description of the ROBUST mode and the UNCERTAIN mode are consistent with the language of claims 4 and 11.

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Nonetheless, the Applicant has cancelled claims 4 and 11 without prejudice or disclaimer to the subject matter of claims 4 and 11. Withdrawal of the objection of claims 4 and 11 is therefore respectfully requested.

B. Examiner Eng objected to claim 8.

The Applicant has cancelled pending claim 8 without prejudice or disclaimer to the subject matter of claim 8. Withdrawal of the objection of claim 8 is therefore respectfully requested.

C. Examiner Eng rejected claims 1-11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,625,223 to *Wimmer et al.*

The Applicant has thoroughly considered Examiner Eng's remarks concerning the patentability of claims 1-11 over *Wimmer*. The Applicant has also thoroughly read *Wimmer*. To warrant this 35 U.S.C. §103(a) rejection of claims 1-11, all the claim limitations recited in independent claims 1 and 8 must be taught or suggested by *Wimmer*. See MPEP §2143. The Applicant respectfully traverses this §103(a) rejection of claims 1-11, because *Wimmer* fails to disclose, teach or suggest the following limitations of independent claims 1 and 8:

1. "means for validating transmitted series of information signals even if the error indication appears" as recited in independent claim 1;  
and
2. "accepting the useful data for certain error indications" as recited in independent claim 8.

As to the traversal, Examiner Eng has correctly recognized *Wimmer*'s failure to explicitly teach or suggest the aforementioned limitations of independent claims 1

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and 8. A proper reading of *Wimmer* reveals that *Wimmer* also teaches away from the aforementioned limitations of independent claims 1 and 8.

Specifically, *Wimmer* teaches an invalidation of data based on the production of an error indication, and further teaches a correlation threshold for effecting a resistance to the production of the error indication. The higher the correlation threshold, the more error indications are produced, and the lower the correlation threshold, the less error indications are produced. For example, for a particular piece of data, the error indication may be produced under a correlation threshold of 75% whereby the data is invalidated, but not produced under a correlation threshold of 25% whereby the data is validated. However, the correlation threshold does not make an otherwise invalidation of the data due to a production of the error indication a validation of the data despite the production of the error indication. Thus, *Wimmer* clearly teaches away from validating the data every time an error indication is produced. See, *Wimmer* at column 4, lines 4-34.

While the Applicant respectfully traverses this 35 U.S.C. §103(a) rejection of claims 1-11 as shown above, the Applicant has cancelled claims 1-11 herein without prejudice and disclaimer to the subject matter of claims 1-11 herein, and added new claims 12-22. The Applicant respectfully asserts that *Wimmer*, alone or in combination with the art of record, fails to disclose, teach or suggest the following limitation combinations of new independent claims 12, and 17-19:

1. "means for validating the transmitted series of information signals even if the error indication is produced by the integrity verification means" as recited in independent claim 12;
2. "means for inserts positioning information into a header of the transmitted series of information signals wherein an error indication is produced in response to a reception by a receiver of the transmitted series of information that is in non-conformity with the positioning information whereby the useful data is accepted as a function of a

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robust mode despite the production of the error indication" as recited in independent claim 17;

3. "means for validating the transmitted series of information signals even if the error indication is produced by the integrity verification means" as recited in independent claim 18; and

4. "accepting the useful data as a function of a robust mode even if the error indication is produced" as recited in independent claim 19.

Withdrawal of the rejection of claims 1-11 under §103(a) as being unpatentable over *Wimmer*, and an allowance of claims 12-22 are therefore respectfully requested.

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**SUMMARY**

Examiner Eng's objections and rejections of pending claims 1-11 have been obviated by the cancellation herein of claims 1-11. The Applicant has supported an allowance of new claims 12-22 over the art of record. The Applicant respectfully submits that new claims 12-22 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Eng is respectfully requested to contact the undersigned at the telephone number listed below.

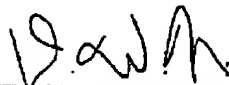
Dated: March 19, 2004

Respectfully submitted,  
Yves Ramanzin

PHILIPS INTELLECTUAL PROPERTY  
& STANDARDS  
P.O. Box 3001  
Briarcliff, New York 10510  
Phone: (914) 333-9612  
Fax: (914) 332-0615

\_\_\_\_\_  
Jack D. Slobod  
Registration No. 26,236  
Attorney for Applicant

CARDINAL LAW GROUP  
Suite 2000  
1603 Orrington Avenue  
Evanston, Illinois 60201  
Phone: (847) 905-7111  
Fax: (847) 905-7113

  
\_\_\_\_\_  
Darrin Wesley Harris  
Registration No. 40,636  
Attorney for Applicant